



U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
OFFICE OF INSPECTOR GENERAL

JUN 25 2019

Sai
MuckRock News
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Re: Your Freedom of Information Act (FOIA) Request
FOIA Control No.: 19-IGF-OIG-00056

Dear Mr. Sai:

This is our interim response regarding your Freedom of Information Act (FOIA) request dated June 10, 2019, to the U.S. Department of Housing and Urban Development (HUD), which was referred to the Office of Inspector General (OIG) on June 13, as a component office.

You requested all emails:

"A. 1. from or to any email address, used in official capacity, of any person who, within 30 days of the time of the email, worked for:

- i) agency headquarters,*
- ii) agency public relations,*
- iii) agency counsel's office, or*
- iv) any other component that regularly communicates with members of the press; and*

2. containing any of the following phrases, regardless of capitalization or other minor variations:

- i) "on the record",*
- ii) "off the record",*
- iii) "on background",*
- iv) "on deep background",*
- v) "not for attribution",*
- vi) "Chatham House rule",*
- vii) "lobby terms", or*

viii) any synonymous phrases; and

3. that is in its original, native format as contained in either
 - i) the agency's email / legal retention database(s), or
 - ii) the agency's email server(s) / database(s), searched directly."

You also state that "*any email records found by a search conducted by individual employee(s) will be treated as non-responsive.*"

You also requested:

"B. all records relating to the fulfillment of this request, such as FOIA logs, documentation of searches, referral emails, etc."

"C. all records relating to any complaint(s), FOIA request(s)/appeal(s), and/or Privacy Act request(s)/appeal(s) made by me. This includes, but is not limited to:

1. all records relating to the processing my previous requests, complaints, etc;
2. all records containing the terms my name, email address(es), and other contact or identifying information, listed below my signature; and
3. all records containing any of my complaint, request or appeal identifiers."

In your request, you indicated you are "*a member of the news media*" and requested waiver of all fees. Pursuant to the OIG's regulations for material released under the Freedom of Information Act (83 Fed. Reg. 7388 (Feb 21, 2018) and 24 C.F.R. § 2002.13, referencing 24 C.F.R. § 15.106), you are being classified as a "*commercial user*" for your requests under category A.

In our Notice of Final Rule published at 83 F.R. 7388 (Feb. 21, 2018), we notified the public that as a policy, the OIG will "treat owners of websites that contain advertisements, or that charge fees in any way, to be 'commercial requesters,' if they do not use editorial skills to turn the posted materials into a distinct work, or provide significant editorial comments." You are in this category. It is obvious from the scope of your request, you are downloading databases for your website to generate income, and do not intend to use this material for editorial work.

As to categories B and C above, we will process these requests separately from category A as you requested. We will consider these two requests under both FOIA and the Privacy Act.

Each FOIA requester is notified of certain costs incurred in processing their request, and, under this category, you will be assessed charges to recover the full direct costs of searching, reviewing and duplicating records. Duplication is set at a rate of \$.10 cents/page. The charge for professional review spent processing files is \$52.00/quarter hour. For duplication in electronic format (i.e., tape, CD ROM or diskette, etc.), we will assess costs at \$10.00 for each CD.

At this time we expect the search, collection, review, and duplication of the information requested in category A to require hundreds of person-hours and the costs could run into the thousands of dollars. Before we begin, we request you agree to pay these costs or reduce the scope of your request to a more reasonable size. If you believe we have miscategorized your fee group, please explain how you plan to use the collected data in a news article.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the OIG FOIA Office at (202) 708-1613. Please reference the above FOIA number when making inquiries about this matter.

We regret the necessity of this delay, but assure you that your request will be processed as soon as possible. Please reference the above FOIA number when making inquiries about this matter

Sincerely,

/s/

Government Information Specialist (FOIA/PA)